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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,750	08/28/2003	David Elliott Norton JR.	249212022500	1756
20872	7590	02/08/2006	EXAMINER	
MORRISON & FOERSTER LLP 425 MARKET STREET SAN FRANCISCO, CA 94105-2482			NEGRO, DANIEL L	
			ART UNIT	PAPER NUMBER
			2651	
DATE MAILED: 02/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/652,750	<b>Applicant(s)</b> NORTON, DAVID ELLIOTT	
	<b>Examiner</b> Daniell L. Negrón	<b>Art Unit</b> 2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 18-21, 24 and 35-46 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8-17, 22, 23, 25-34, 47 and 48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 35-48 are objected to because of the following informalities: Regarding claims 35 and 41, the Examiner cannot readily ascertain with the above claim language to what degree the transfer functions are similar from the recitation "a correlation filter having a transfer function shape substantially similar to the transfer function shape of the bandpass filter". For these reasons, the recitation has not been given patentable weight. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 7, 18, 19, 21, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bailey et al U.S. Patent No. 5,363,100.

Regarding claims 18, 19, and 21, Bailey et al disclose a correlation receiver for detecting peaks of a correlation signal, the correlation receiver comprising a master peak detector for determining whether an amplitude of a pulse of the correlation signal exceeds by at least a first delta value an amplitude of a prior peak (i.e. threshold value

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T<sub>P</sub>, see column 6, line 49 through column 7, line 18); and, if so, designating the pulse as a peak and setting an amplitude of the peak as the amplitude of the prior peak increased by a second delta value (column 7, lines 32-45), wherein the second delta value (i.e., V<sub>A</sub>) is a value of a nondecreasing function of the time between the prior peak and the pulse (see Response to Arguments for details).

Regarding claims 1, 2, 4, 7, and 24, the rejections applied to the claims in the previous Office action mailed August 22, 2005 are herein repeated for the same reasons (see Response to Arguments).

4. Claims 35 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim U.S. Patent No. 6,762,712.

Regarding claims 35 and 41, the rejections applied to the claims in the previous Office action mailed August 22, 2005 are herein repeated for the same reasons (see Response to Arguments).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 36 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim U.S. Patent No. 6,762,712 in view of Stein et al U.S. Patent No. 6,469,862.

Regarding claims 36 and 42, the rejections applied to the claims in the previous Office action mailed August 22, 2005 are herein repeated for the same reasons (see

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Response to Arguments).

7. Claims 37-40 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim U.S. Patent No. 6,762,712 as modified by Stein et al U.S. Patent No. 6,469,862 and further in view of Saliba et al U.S. Patent No. 6,558,774.

Regarding claims 37-40 and 43-46, the rejections applied to the claims in the previous Office action mailed August 22, 2005 are herein repeated for the same reasons (see Response to Arguments).

***Allowable Subject Matter***

8. Claims 5, 6, 8-17, 22, 23, 25-34, 47, and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments filed November 22, 2005 have been fully considered but they are not persuasive. Regarding claims 1, 2, 18, 19, and 21, Applicant argues that Bailey et al U.S. Patent No. 5,363,100 fail to show "a master peak detector for determining whether an amplitude of a pulse of a correlation signal exceeds by at least a first delta an amplitude of a prior peak, and, if so, designating the pulse as a peak and setting an amplitude of the peak as the amplitude of the prior peak increased by a second delta". The Examiner agrees with the Applicant's argument that the second delta value (i.e.,  $V_A$ ) shown by Bailey et al is not part of a threshold testing of the incoming signal, however, the Examiner disagrees with the argument that Bailey et al fail to disclose Applicant's invention. Bailey et al disclose determining whether the

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amplitude of a pulse ( $S_P$ ) exceeds an amplitude of a prior peak, by comparing a pulse ( $S_P$ ) with threshold ( $T_P$ ) in step 140. Once a determination is made that the pulse  $S_P$  has exceeded  $T_P$  by a first delta, therefore having peaked, a second delta value ( $V_A$ ) is calculated in order adjust the level of  $T_P$  for further peak detection. Since the second delta is used to increase the threshold value, it is considered as a nondecreasing value and therefore meets the limitations of the Applicant's invention as claimed.

Regarding claims 4, 7, and 24, claims remain rejected under 35 U.S.C. 102(b) for the same reasons discussed in the previous Office action since claims depend from the claims discussed above.

Regarding claims 35 and 41, for the reasons given above, the recitation "a correlation filter having a transfer function shape substantially similar to the transfer function shape of the bandpass filter" is not given patentable weight, thus the rejection discussed in the previous Office action is herein repeated.

Regarding claims 36-40, and 42-46, claims remain rejected under 35 U.S.C. 103(a) for the same reasons discussed in the previous Office action since claims depend from the claims discussed above.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 571-272-7559. The examiner can normally be reached on Monday-Friday (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on 571-272-7843. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DLN   
February 1, 2006

  
**DAVID HUDSPETH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**